

REMARKS

This Response is submitted in reply to the Office Action dated April 23, 2007. Claims 1-26 are pending in the patent application. Claims 1, 5, 9, 11 and 16 have been amended. These amendments are supported at least by Fig. 1, and no new matter has been added by any of the amendments made herein. A Petition for a One-Month Extension of Time is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Applicants note that despite a new Reissue Application Declaration by the Inventor having been submitted, which requested that all communications be directed to Customer Number 29180, this Office Action was mailed to a different address. To ensure future correspondences is sent to the correct address, a Change of Correspondence Address Application form is submitted herewith.

The Office Action objected to Claim 5 because the word “mean s” was misspelled. The spelling of “means” has been corrected. For at least this reason, it is respectfully requested that this objection be withdrawn.

The Office Action rejected Claims 5, 9 and 21-26 under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, the Office Action states, “In claim 5, it’s unclear if the retaining means is the same as the retaining cap bracket in claim 4.” It is respectfully submitted that rather than being indefinite, Claim 5 simply has broad scope. The retaining means can include the means recited in Claim 4 with more specific information on the positioning of the means; however, the retaining means of Claim 5 is not limited to that scope and can include different structure from the retaining means of Claim 4. For at least the above reasons, it is respectfully submitted that this rejection should be withdrawn.

The Office Action states that it appears that Claim 9 should depend from Claim 7 rather than Claim 2. Claim 9 has been amended to depend from Claim 7. For at least this reason, it is respectfully submitted that this rejection is overcome.

The Office Action states, “In claim 21, it’s unclear which continuous piece of material Applicant recites. The manifold 18 is not part of the engine cylinder.” It is respectfully submitted that rather than being indefinite, Claim 21 simply has broad scope. Any continuous piece of material meeting the claimed language would be within the scope of the language in

question. As a non-limiting example, the material pointed to by indicator 56 in Fig. 1 is a continuous piece of material that is at least a portion of the chamber and at least a portion of the engine cylinder.

The Office Action rejected Claims 1-3, 11-13 and 16-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,162,614 ("Holleyman").

Holleyman discloses a piston type power plant operatable by a pressure fluid such as natural gas from a well or compressed air. However, it is respectfully submitted that Holleyman does not disclose or suggest that the mouth of an air canister includes a first member upon an external surface of the mouth and that internal air inlet that receives the mouth includes a second member, wherein if the mouth is positioned in the internal air inlet sufficiently far to position the first member interior of the second member, at least the first and second members at least temporarily secure the mouth within the internal air inlet.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are each patentably distinguished from Holleyman and are in condition for allowance. For similar reasons, it is respectfully submitted that Claims 11 and 16 and their respective dependent claims are each patentably distinguished from Holleyman and are in condition for allowance.

The Office Action rejected Claims 1, 3, 11-13 and 16-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 819,653 ("Hawke").

Hawke discloses a toy motor vehicle designed for operation by compressed air. However, it is respectfully submitted that Hawke does not disclose or suggest that the mouth of an air canister includes a first member upon an external surface of the mouth and that internal air inlet that receives the mouth includes a second member, wherein if the mouth is positioned in the internal air inlet sufficiently far to position the first member interior of the second member, at least the first and second members at least temporarily secure the mouth within the internal air inlet.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are each patentably distinguished from Hawke and are in condition for allowance. For similar reasons, it is respectfully submitted that Claims 11 and 16 and their respective dependent claims are each patentably distinguished from Hawke and are in condition for allowance.

The Office Action rejected Claims 21-26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,159,705 ("Jacoby").

The Office Action states that Jacoby discloses an air engine comprising a cylinder 15 and a piston 15. However, it is respectfully submitted that Jacoby merely discloses an air-powered cannon. Further, element 15 is a cannon barrel, not an engine cylinder, and element 15 is a projectile, not a piston. Therefore, it is respectfully submitted that Jacoby does not disclose or suggest an engine cylinder or a chamber rigidly coupled to a canister, the chamber having a first channel and a second channel, the first channel coupled to an opening in the canister and adapted to allow fluid to pass therethrough, and the second channel coupled to the valve and adapted to allow fluid to pass therethrough, and wherein a continuous piece of material is at least a portion of the chamber, and wherein the continuous piece of material is at least a portion of the engine cylinder.

For at least these reasons, it is respectfully submitted that Claim 21 and its dependent claims are each patentably distinguished from Jacoby and are in condition for allowance.

The Office Action rejected Claims 1-3 and 11-26 and 16-18 under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 4,614,085 ("Neukomm") in view of U.S. Patent No. 4,329,806 ("Akiyama").

Neukomm relates to a gas powered engine. However, it is respectfully submitted that Neukomm does not disclose or suggest that the mouth of an air canister includes a first member upon an external surface of the mouth and that internal air inlet that receives the mouth includes a second member, wherein if the mouth is positioned in the internal air inlet sufficiently far to position the first member interior of the second member, at least the first and second members at least temporarily secure the mouth within the internal air inlet. Further, it is respectfully submitted that Neukomm does not disclose or suggest an engine cylinder or a chamber rigidly coupled to a canister, the chamber having a first channel and a second channel, the first channel coupled to an opening in the canister and adapted to allow fluid to pass therethrough, and the second channel coupled to the valve and adapted to allow fluid to pass therethrough, and wherein a continuous piece of material is at least a portion of the chamber, and wherein the continuous piece of material is at least a portion of the engine cylinder.

Akiyama relates to a fluid engine for pneumatic toys. However, Akiyama does not disclose or suggest that the mouth of an air canister includes a first member upon an external surface of the mouth and that internal air inlet that receives the mouth includes a second member, wherein if the mouth is positioned in the internal air inlet sufficiently far to position the first member interior of the second member, at least the first and second members at least temporarily secure the mouth within the internal air inlet. Further, it is respectfully submitted that Neukomm does not disclose or suggest an engine cylinder or a chamber rigidly coupled to a canister, the chamber having a first channel and a second channel, the first channel coupled to an opening in the canister and adapted to allow fluid to pass therethrough, and the second channel coupled to the valve and adapted to allow fluid to pass therethrough, and wherein a continuous piece of material is at least a portion of the chamber, and wherein the continuous piece of material is at least a portion of the engine cylinder.

For at least these reasons, it is respectfully submitted that Claims 1, 11, 16 and 21 and their respective dependent claims are each patentably distinguished over Neukomm in view of Akiyama and are in condition for allowance.

In light of the above, Applicants respectfully submit that Claims 1-26 are patentable over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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BY



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